

351—11.28(17A,68B) Stay of agency actions.**11.28(1) *When available.***

a. Any party to a contested case proceeding may petition the board for a stay of an order issued in that proceeding pending review by the board. The petition for a stay shall be filed with the statement of exceptions and shall state the reasons justifying a stay. The board may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the board for a stay pending judicial review of all or part of that proceeding. The petition for a stay shall state the reasons justifying a stay.

11.28(2) *When granted.* In determining whether to grant a stay, the presiding officer or board, as appropriate, shall consider whether substantial questions exist as to the propriety of the order for which a stay is requested, whether the party will suffer substantial and irreparable injury without the stay, and whether the interests of the public and other persons will be adversely affected by such a stay.

11.28(3) *Vacation.* A stay may be vacated by the issuing authority upon application of the board or any other party.